

ORDINANCE NO. 20080214-080

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1001 CUMBERLAND ROAD FROM MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1) DISTRICT AND MULTIFAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT .

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-2007-0129, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From multifamily residence limited density (MF-1) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

Lot 1, Cumberland Center Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 70, Page 48, of the Plat Records of Travis County, Texas; and

Tract Two: From multifamily residence limited density-conditional overlay (MF-1-CO) combining district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 4.812 acre tract of land, more or less, being the south part of a 10.02 acre tract of land in the Issac Decker League, Survey 20, Abstract 8, said 10.02 acre tract of land being more particularly described by metes and bounds in a deed of record in Volume 4338, Page 810, Deed Records of Travis County, Texas (the "Property"),

locally known as 1001 Cumberland Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The maximum number of residential units is 123 units.
- C. A 25-foot wide vegetative buffer shall be provided and maintained along the south property line. Improvements permitted within the buffer zone are limited to (i) community garden, playground, sidewalk, trails or egress to Garden Villa Lane, (ii) trees and other plantings, and (iii) drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- D. No single building within the Property shall have a footprint or foundation/slab area which exceeds 10,000 square feet.
- E. Vehicular access from the Property to South 5th Street and to Cumberland Road is limited to one curb cut to each roadway.
- F. Except as otherwise provided in Sections G and H of this part, the maximum height of a building or structure constructed within 75 feet from South 5th Street and Cumberland Road is:
 - 1) two stories; and
 - 2) 35 feet.
- G. The portion of a building in a habitable attic shall not be counted as a story if it meets the requirements of Chapter 25-2, Subchapter F, Article 3.3.2.C. (*Definitions and Measurement*).

H. If the first story of a two-story building or structure constructed on South 5th Street is not more than three feet above the average elevation of South 5th Street as measured along the front elevation of the building or structure, then:

- 1) a garage may be built below grade; and
- 2) a garage built below grade shall not count as a story; and
- 3) a garage built below grade shall not be used as a residential unit.

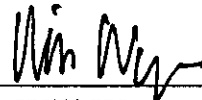
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence-conditional overlay (SF-6) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on February 25, 2008.

PASSED AND APPROVED

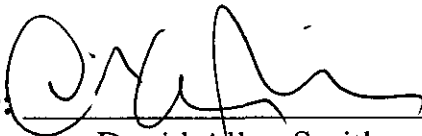
February 14, 2008

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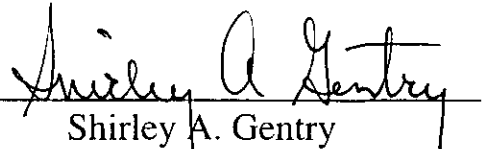
Will Wynn
Mayor

APPROVED:

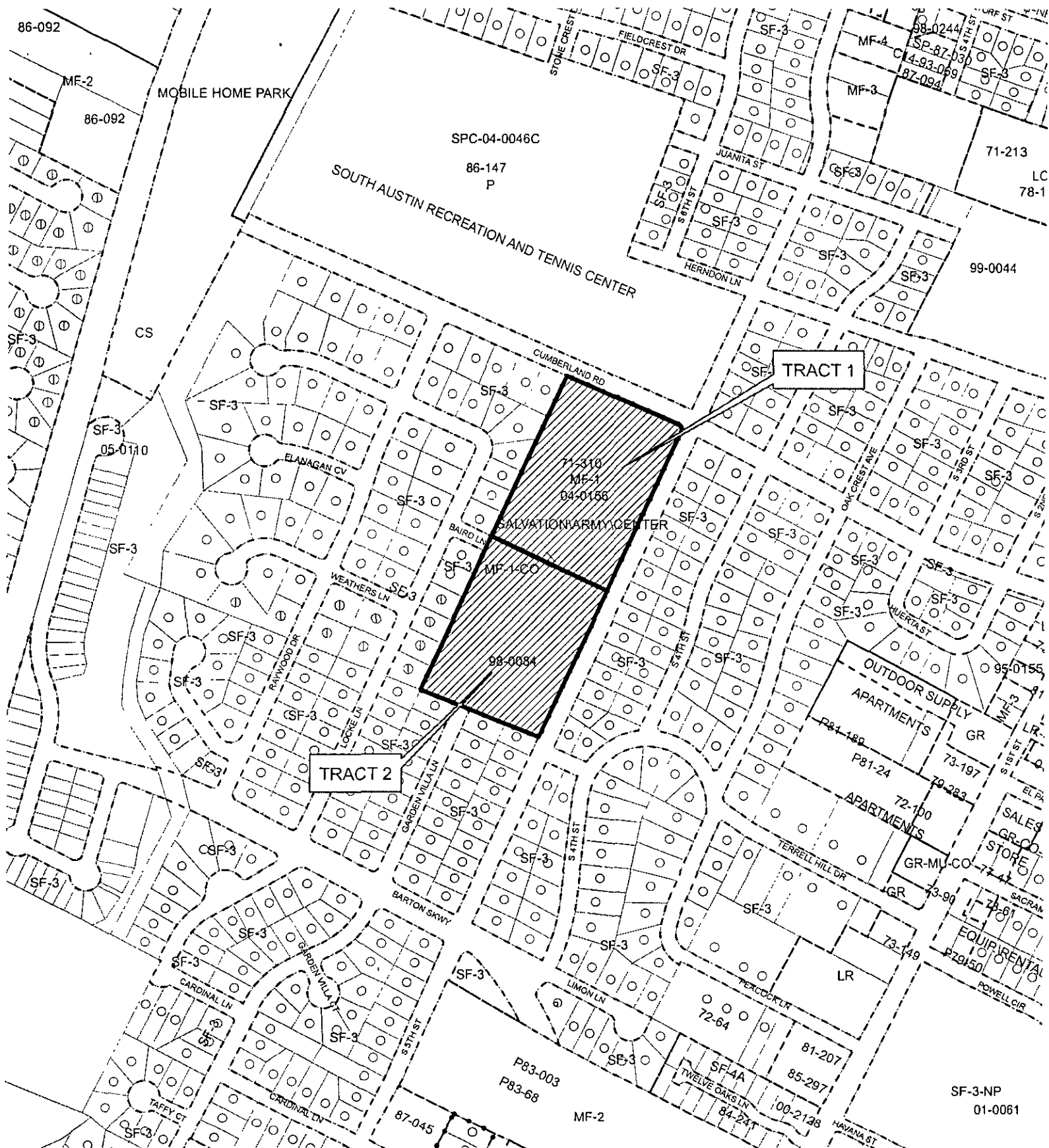


David Allan Smith
City Attorney

ATTEST:

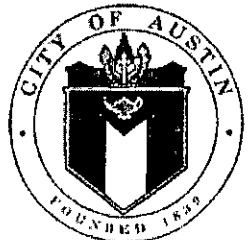


Shirley A. Gentry
City Clerk



ZONING EXHIBIT A

ZONING CASE#: C14-2007-0129
ADDRESS: 1001 CUMBERLAND RD
SUBJECT AREA: 10.02 ACRES
GRID: H19-20
MANAGER: R. HEIL



- N
- Subject Tract
- Zoning Boundary
- Pending Cases

1" = 400' OPERATOR: SM

This map has been produced by GIS Services for the sole purpose of geographic reference
 No warranty is made by the City of Austin regarding specific accuracy or completeness